

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 28285 of 1995

Between:

- 1 Sayya s/o lalya, r/o Kandkuri village, Ranjel Mandal,
Nizambad dist.
- 2 Lali w/o Ghalia, r/o Kandkuri village, Ranjel Mandal,
Nizambad dist.
- 3 Babia s/o sayya, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 4 GANGYA S/O BHEEMADU, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 5 GANGYA S/O HASMA, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 6 GANGYA S/O KANYA, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 7 MADARI s/o DEVA, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 8 SAYANA S/O GANGYA, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 9 GANGA S/O LALAYA, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 10 POTANA s/o lalya, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 11 LAXYA s/o POTYA, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 12 GANGYA s/o POTHYA, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 13 LASMYA S/O BALAIAH, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 14 RAAMYA s/o lalya, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 15 MARUTI s/o lalya, r/o kandkuri village, ranjel mandal,
Nizambad dist.
- 16 LALYA s/o JALUBA, r/o kandkuri village, ranjel mandal,
Nizambad dist.

..... PETITIONERS

AND

- 1 SPECIAL DEPUTY COLLECTOR AND LAND ACQUISITION OFFICER,
L.A. CUM LOC UNIT, SRIRAMSAGAR PROJECT,
POCHAMPAD, NIZAMABAD DIST.
- 2 GOVT. OF A.P, SECRETARY
REVENUE DEPARTMENT, SECRETARIAT, HYDERABAD.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to direct the respondents to pay compensation to the petitioners for their submerged lands in S.No.567 to 582 situate at Kandkurti village, Rajel Mandal, Nizamabad dist. under the provisions of the land acquisition act or under the provisions of G.O.Ms.No.1307 revenue (Assignment department dt. 23/12/1993 by issue a writ of mandamus or any other appropriate writ order or direction and pass

Counsel for the Petitioners: MR.P.S.MURTHY

Counsel for the Respondents : GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

The present writ petition has been filed seeking writ of Mandamus to direct the respondents to pay compensation to the petitioners for their submerged lands in S.No.567 to 582 situate at Kandkurthi village, Rajel Mandal, Nizamabad Dist. under the provisions of the land acquisition act or under the provisions of G.O.Ms.No.1307 revenue (Assignment department dt. 23/12/1993).

It is the case of the petitioners that they are the owners of the lands in Sy.No. 567, 568, 570 to 582 situate at Kandkurthi village Rajel Mandal, Nizamabad District which were assigned to them by the Government through Tahsildar, Bodhan in the year 1977 and that they were also given patta certificates in Annexure 'A' and they have been in possession of the said lands. It is the further case of the petitioners that the above lands were submerged in the Sriramsagar Project along with other private patta lands in S.No. 507 to 541 etc. But the Government did not include the lands of the petitioners in the acquisition proceedings nor choose to resume their lands and later they came to know that the Government did not intend to pay compensation to their lands when the award No. B/2154/92 was passed on 28-5-1995 since their lands are assigned lands they are not entitled to get any compensation. Though, they submitted a representation through their counsel to the Special Deputy Collector –cum- Land Acquisition Officer requesting him to pay the compensation to their lands under the provisions of Land Acquisition Act or under the provisions of the G O Ms.No. 180 dated 9.2.84, there was no response from the authorities and on enquiry they were informed that since their lands are assigned lands, they are not entitled to get any compensation. In view of the government orders issued in G.O.Ms.No. 1307 dated 23-12-1993 the assigned lands are also to be paid compensation and therefore they are also entitled to get compensation for their lands. Hence, the writ petition.

Contesting the claim made by the petitioners, the first respondent filed a

counter admitting the fact that the above said lands are the assigned lands and assigned in favour of the petitioners, but stated that due to non-availability of proper guidelines for payment of compensation to the Government lands, only patta lands have been notified and compensation has been paid by passing an Award dated 23-5-1996., It is further stated **that the payment of compensation for above said Government lands is deferred only for want of appropriate orders from the Government.** It is further stated that except for want of suitable orders and guidelines from the Government, the Land Acquisition Officer has no intention to with-held the payment of compensation for the lands of the petitioners and sought for dismissal of the writ petition.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Land Acquisition.

Having regard to the fact that a representation has been made by the petitioners through their advocate on 31-8-1995 to the Special Deputy Collector, Sriram Sagar Project, Pochampadu, and the same is to be considered by him, without going into merits of the case, it would suffice if a direction is given to the first respondent to dispose of the said representation dated 31-8-1995 if not already disposed of. But, however, in view of the fact that in the counter affidavit filed by the first respondent it was stated that the compensation could not be paid because of the non-availability of the guidelines, it would suffice if an opportunity is given to the petitioners to make a fresh representation enclosing a copy of the representation dated 31-8-1995 within a period of eight (8) weeks from the date of receipt of a copy of this order and on receipt of such representation, the first respondent is directed to dispose of the same in accordance with law within a period of six week (6) thereafter.

With the above observations, the writ petition is disposed of. No costs.

T. MEENA KUMARI, J

Dt. 23-12-2004.

Kvrk

To

- 1 The Special Deputy Collector AND Land Acquisition Officer,
L.A. CUM LOC UNIT, SRIRAMSAGAR PROJECT,
POCHAMPAD, NIZAMABAD District.
- 2 THE SECRETARY, REVENUE DEPARTMENT, The Government of A.P,
SECRETARIAT, HYDERABAD.
3. Two CCs to GP for Land Acquisition, High Court Buildings, Hyderabad (OUT)
4. Two CD copies.